

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant : Paul S. Prevey, III  
Appl. No. : 10/759,954  
Filed : 1/17/2004  
Title : METHOD AND APPARATUS FOR IMPROVING THE  
MAGNITUDE OF COMPRESSIVE STRESS DEVELOPED  
IN THE SURFACE OF A PART

Art Unit : 3726  
Examiner : John C. Hong

Docket No. : LRI-011PAT

Mail Stop Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE AFTER FINAL OFFICE ACTION

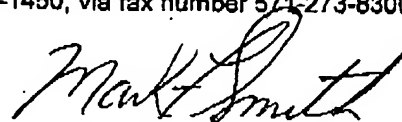
Sir:

In response to the Office Action of July 11, 2006, please consider the following  
remarks.

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted to by facsimile to: Commissioner for  
Patents, P.O. Box 1450, Mail Stop AF, Alexandria, VA 22313-1450, via fax number 571-273-8300  
on September 11, 2006.

September 11, 2006



Mark F. Smith

SEP 11 2006

**SMITH BRANDENBURG & NOVAK LTD**

905 OHIO PIKE  
CINCINNATI, OHIO  
45245  
USA

513-752-5350 (PHONE/FAX)  
INFO@SBTECHNOLOGYLAW.COM (EMAIL)

ATTORNEYS

MARK F. SMITH  
GEORGE P. BRANDENBURG  
DAVID J. NOVAK \*  
\* LICENSED IN NEW YORK & FLORIDA

TECHNICAL CONSULTANT

PAUL E. THOMSON, M.D.  
DAVID A. RESS, PH.D.

**DATE:** September 11, 2006

**TO:** USPTO

**ADDRESS:** Commissioner for Patents  
P.O. Box 1450  
Mail Stop: Ex Parte Reexam  
Alexandria, VA  
22313-1450

**SENDER'S DIRECT DIAL NO.:** (513) 752-5350

**TOTAL NUMBER OF PAGES:** 21

**ADDITIONAL INFORMATION:** U.S. Patent Application Serial No. 10/759,954, Filed January 17, 2004; Response After Final Office Action Transmittal including certificate of facsimile dated September 11, 2006, Response After Final Office Action.

**FAX TO:**

Name	Fax Number	Confirm Number
USPTO	571-273-8300	

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return original message to us at the above address via the U.S. Postal Service. Thank you.

**SBTECHNOLOGY LAW<sub>SM</sub>**  
SCIENCE, BUSINESS, TECHNOLOGY & THE LAW

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

Attorney's Docket No. LRI-011PAT

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul S. Prevey, III

Serial No.: 10/759,954

Group No.: 3726

Filed: January 17, 2004

Examiner: John C. Hong

For: METHOD AND APPARATUS FOR IMPROVING THE MAGNITUDE OF  
COMPRESSIVE STRESS DEVELOPED IN THE SURFACE OF A PARTCommissioner for Patents  
Mail Stop: af  
P.O. Box: 1450  
Alexandria, VA 22313-1450RESPONSE AFTER FINAL OFFICE ACTION  
TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

2. Applicant is

X a small entity.     other than a small entity.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

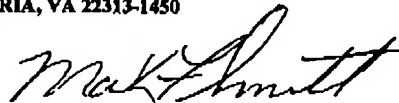
I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

## FACSIMILE

     I deposited with the United States Postal  
Service with sufficient postage as first class  
mail in an envelope addressed to the  
Commissioner for Patents, Mail Stop: Amendment,  
P.O. Box 1450, Alexandria, VA 22313-1450.X Transmitted by facsimile to the Patent and Trademark Office  
PHONE NUMBER 571-273-8300 ON September 11, 2006  
TO COMMISSIONER FOR PATENTS, MAIL STOP: AF,  
ALEXANDRIA, VA 22313-1450

Signature

Mark F. Smith

(Type or print name of person certifying)

September 11, 2006

RECEIVED  
CENTRAL FAX CENTER  
SEP 11 2006

### EXTENSION OF TERM

**NOTE-** "Extension Of Time In Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action; an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-5).*

**NOTE-** See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

- (a) \_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136  
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___ one month	\$ 120.00	\$ 60.00
___ two months	\$ 450.00	\$225.00
___ three months	\$1,020.00	\$510.00
___ four months	\$1,590.00	\$795.00

Fee \$ 0.00

\_\_\_ An extension for \_\_\_ months has already been secured and the fee paid therefore of \$ \_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) x Applicant believes that no extension of term is required. However this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

# FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	EXTRA	PRESENT RATE FEE OR RATE	ADDIT. FEE
TOTAL *	MINUS **	=	X 50 = \$	X 25 = \$0.00
INDEP *	MINUS *** 3	=	X 200 = \$	X 100 = \$0.00

\_\_\_ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM X 360 = \$ X 180 = \$

TOTAL ADDITIONAL FEE: \$0.00

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3"

The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) X No additional fee for claims is required

OR

(d) \_\_\_ Total additional fee for claims required \$0.00

## FEE PAYMENT

5. \_\_\_ Attached is a check in the sum of \$ 0.00.

\_\_\_ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

Page 3 of 4

RECEIVED  
CENTRAL FAX CENTER  
SEP 11 2006

**FEE DEFICIENCY**

*NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7 1--86, (1065 O.G. 31-33).*

6.        If any additional extension and/or fee is required, charge Account No.

AND/OR

       If any additional fee for claims is required, charge Account No.

**OTHER DOCUMENTS ATTACHED**

7.        No other documents are attached.

  X   The following documents are attached hereto:

Response to Final Office Action

Reg. No.: 32,437

Tel. No.: 513-752-5350



**SIGNATURE OF ATTORNEY**  
Mark F. Smith  
Smith Brandenburg & Novak Ltd  
905 Ohio - Pike  
Cincinnati, Ohio 45245